

Standards (Determination) Sub-Committee – Meeting held on Tuesday, 13th December, 2011.

Present:-

Co-opted Independent Members:-

Mr Mike Field (Chair), Mr Fred Ashmore and Mr Alan Sunderland

Elected Members:-

Councillor Basharat

Also present:-

Councillor S Chaudhry (Subject Member), Kevin Gordon (Investigating Officer), Catherine Meek (Administrator) and Amardip Healy (Deputy Monitoring Officer).

Apologies for Absence:

Councillor Coad

PART I

9. Declarations of Interest

None.

10. Minutes of the Meeting of the Sub-Committee held on 18th April 2011

The Minutes of the Sub-Committee meeting held on 18th April 2011 were approved as a correct record.

11. Alleged Breach of Local Code of Conduct - Councillors S Chaudhry, P Choudhry, S Dhaliwal, Rasib and Sohal (SBC 27/2011)

The Sub-Committee met to determine an allegation made by former Councillor MacIsaac that Councillors S Chaudhry, P Choudhry, S Dhaliwal, Rasib and Sohal failed to comply with the Local Code of Conduct for members. The complaint had been referred for investigation by the Standards (Assessment) Sub-Committee on the 28th March 2011.

In accordance with the arrangement agreed by the Standards Committee the Monitoring Officer had delegated the conduct of the investigation to Graham White (Interim Head of Legal Services) i.e. the Investigation Officer. Since conducting the investigation Mr White had left the Authority and Mr Kevin Gordon attended the hearing on behalf of the investigating officer.

At the Chair's invitation introductions were made by all participants following which the Chair drew attention to the procedure that would be followed during the hearing and all parties confirmed that they were aware of it. The Investigation Officer, Councillor Chaudhry and the Deputy Monitoring Officer agreed that there were no grounds for the Exclusion of the Press and Public from the meeting. The Chair placed on record the Sub-Committee's disappointment that Councillor S Dhaliwal, one of the subject members, had not given her apologies for the meeting.

Standards (Determination) Sub-Committee - 13.12.11

The Investigating Officer's final report detailing the outcome of the investigation and the conclusions reached were submitted together with the subject member's written responses thereto. The general summary of the complaint and alleged breach of the code identified by the Investigating Officer were that the subject members were pre-determined at a meeting of the Licensing Committee on 23rd February 2011, when they voted, against officer advice, referring for consultation the proposed amendments to the Council's policy on convictions and cautions used when determining the grant renewal suspension or revocation of hackney carriage or private hire drivers or operation licences and that this constituted a breach of paragraph 5 of the Local Code of Conduct bringing "an Office or Authority into disrepute".

Mr Gordon, on behalf of the Investigating Officer, presented the report and all parties were given an opportunity to ask questions for clarification. Mr Gordon indicated that he did not wish to call any witnesses. Mr Chaudhry, on behalf of the subject members, presented his case. The Sub-Committee members and the Investigating Officer were given the opportunity to ask questions to clarify the evidence submitted.

On completion of the presentation of both cases the Chair and Members of the Sub-Committee confirmed that they had sufficient information to determine whether or not there had been a breach of Local Code of Conduct. All parties withdrew from the room to enable the Sub-Committee to consider its decision.

On reconvening the hearing the Chair advised that, having carefully considered all the information available, the Sub-Committee had concluded that there was no clear evidence that the decision makers (subject members) were pre-determined and had closed minds when they voted at the Licensing Committee on the 23rd of February 2011. The Sub-Committee found that the subject members had not breached paragraph 5 of the Local Code of Conduct.

The Sub-Committee also recommended that reports to Committee should contain clear recommendations for action and that members should take, and act on, officer advice in all but exceptional circumstances.

Councillor Chaudhry indicated that he did wish the decision of the Sub Committee to be published in the local press.

Resolved –

- (1) That No further action be taken with regard to the complaint.
- (2) That officers take action to ensure the Sub-Committee's concerns with regard to clarity of reports and acceptance of officer advice are actioned.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 7.15 pm)